8141083/2023/M-III-INC01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

MINES & MINERALS – Major Minerals - Change of Management from M/s Andhra Cements (Old Management) to M/s Andhra Cements Limited (New Management) and inclusion of deleted extent of 25.80 Acres/10.441 Hects to the existing mining lease area over an extent of 472.69 Acs / 191.290 Hect and also extension of lease period upto 50 years from 24.09.2001 to 23.09.2051 in favour of M/s Andhra Cements (New Management) as per section 8-A (3) of MM(D&R) Amendment Act, 2015 - Orders - Issued.

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INDUSTRIES & COMMERCE (M.III) DEPARTMENT

G.O.Ms.No.119 Dated:10.11.2023
Read the following:

1. G.O.Ms.No.418 Industries and Commerce (M.II) Department, dt.31.07.2001.
2. G.O.Ms.No.424, Industries and Commerce (M.II) Department, dt.03.08.2001.
3. G.O.Ms.No.178 Industries and Commerce (M.II) Department, dt.09.06.2003.
4. G.O.Ms.No.78 Industries and Commerce (M.II) Department, dt.24.05.2014.
5. From Hon'ble Lokayutha orders dt. 11.03.2014 in complaint No. 2322/2013/B1.
6. G.O.Ms.No.198 Industries and Commerce (M.III) Department, dt.04.12.2014.
7. From the NCLT order No.IA (IBC)/31/2023 in CP (IB)/37/7/AMR/2022, Dt.16-02-2023.
8. From DM&G, A.P single file No.14990/D7/2016, Dt. 17.10.2023.

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ORDER:

In the G.Os 1st, 2nd & 3rd read above, Government have granted three Mining leases for Limestone over an extents of 221.54 Acres, 116.12 Acs & 135.03 Acs in Sy.Nos. 260/1A, 260/1B/2B, 270, 307, 310/5 etc., 271/9,312/17,520,521 etc., & 312/1 to 458/6-3 respectively of Ramapuram Village, Dachepalli Mandal, Guntur District for a period of 20 years in favour of M/s Andhra Cements Limited.

2. In the G.O 4th read above, the GoAP have accorded permission for amalgamation of the above three Mining leases (Lease:I, executed on 24.09.2001, Lease:II, executed on 24.09.2001 & Lease :III, executed on 01.10.2003) held by M/s Andhra Cements Limited into a single Mining Lease, over a total extent of 472.69 Acres /191.290 Hectares in Sy.No. 260/1A, 260/1B/2B, 270, 307, 310/5 etc., and Sy.No. 271/9, 312/17, 520, 521 etc., & Sy.No. 312/1 to 458/6-3 of Ramapuram and co-terminus with the first lease period up to 23.09.2021.

3. In the G.O 6th read above, the Government, keeping in view the orders dt.11.03.2012 of Hon'ble Lokayutha in complaint No. 2322/2013/B1, have issued orders to delete an extent of 25.80 Acres of patta lands of complainants in certain Sy.No's out of total extent of 135.03 Acres from the existing amalgamated Mining Lease, vide G.O 4th read above.

4. In the order 7th read above, the National Company Law Tribunal, Amaravathi Bench at Mangalagiri passed following orders under section 30(6) and 31(1) of Insolvency and Bankruptcy Code, 2016 read with Regulation 39(4) of Insolvency and Bankruptcy Board of India (Insolvency Resolution for Corporate Persons) Regulations, 2016 in the matter of M/s Andhra Cements Limited;

"i. The Resolution Plan annexed to the Application is here by approved. It shall become effective from this date and shall form part of this order. It shall be binding on the Corporate Debtor, its employees, members, creditors, including

(P.T.O)

the Central Government, Income Tax Department any State Government or any local authority to whom a debit in respect of the payment of dues arising under any law for the time being in force is due, guarantors and other stakeholders involved in the Resolution Plan.

ii. The Memorandum of Association (MoA) and Articles of Association (AoA) shall accordingly be amended and filed with the Registrar of Companies (RoC), Andhra Pradesh for information and record. The resolution Applicant, for effective implementation of the Plan, shall obtain all necessary approvals, under any law for the time being in force, within such period as may be prescribed.

iii. The moratorium under Section 14 of the Code shall cease to have effect from this date.

iv. The Applicant shall supervise the implementation of the Resolution Plan and file status of its implementation before this Authority from time to time, preferably every quarter.

v. The applicant shall forward all records relation to the conduct of the CIRP and the Resolution Plan to the IBBI along with copy of this order for information.

vi. The applicant shall forthwith send a copy of this order to the CoC and Resolution Applicant.

Accordingly, IA (IBC)/31/2023 in CP (IB)/37/7/AMR/2022 is disposed of.

5. In the single file 8th read above, the Director of Mines & Geology, Ibrahimpatnam, has stated that M/s Sagar Cements Limited has become successful bidder in NCLT who has submitted Resolution plan Dt.29-08-2022 and as amended on 10-12-2022 to the NCLT at Page No. 52 in point No. 36(ii) to include the land to the extent of 25.80 Acres covered in Sy.Nos. 312/2A, 312/2B, 312/2C, 312/2D, 312/5A, 312/5B, 312/5C, 312/5D, 312/6A, 312/6B, 312/75, 334/7, 334/C8 located in Ramapuram Village as part of Ramapuram mining lease which were initially included under 472.68 Acres of land granted as part of the said lease. However, the same were later excluded by the Government of Andhra Pradesh stating the same from part of private patta land. The Resolution Applicant undertakes to take all the appropriate steps under the applicable law for inclusion of the lands as part of the said lease. The intimation of new management made by the lessee company regarding the change of Directors & Independent Directors is within 60 days of time, which satisfies the Rule 61 of MC Rules, 1960. They have also submitted the verdict of the Hon'ble Supreme Court in Civil Appeal No.8129 of 2019 between Ghan Shyam Mishra & Sons Pvt Ltd Vs Edelweiss Asset Reconstruction Company Limited in support of their claim.

6. Therefore, the Director of Mines and Geology, A.P., while recommending the case, has requested the Government to accord permission for change of Management from old to new and inclusion of deleted extent of 25.80 Acres/10.441 Hects to the existing lease and also extension of mining lease area over an extent of 472.69 Acs/ 191.290 Hect further period upto 50 years from 24.09.2001 to 23.09.2051 in favour of M/s Andhra Cements (New Management).

7. Government, after careful examination of the entire matter, hereby accord permission for change of management from M/s Andhra Cements (Old Management) to M/s Andhra Cements Limited (New Management) as per Rule 61 of MC Rules, 1960 and for inclusion of deleted extent of 25.80 Acres/10.441 Hects as mentioned at para 5 above, to the existing Mining lease for continuing the mining operations by the M/s Andhra Cements Limited (New Management) over an extent of 472.69 Acs / 191.290

Contd....

Hect in Sy.No. 260/1A, 260/1B, 2B, 270, 307, 310/5 etc and Sy.No. 271/9, 312/17, 520, 521 etc and Sy.No. 312/1 to 458/6-3 of Ramapuram Village, Dachepalli Mandal, Palnadu District and grant extension of the mining lease for a period of 50 years from 24.09.2001 to 23.09.2051 in favour of M/s Andhra Cements (New Management) as per section 8-A (3) of MM(D&R) Amendment Act, 2015, subject to obtaining Scheme of Mining from IBM, and submission of required statutory clearances, subject to satisfaction of all other terms and conditions laid down under MM(D&R) Act, and the Rules made thereunder and also standing instructions and guidelines issued by the GoI and State Government from time to time.

8. The Director of Mines & Geology, Government of A.P., shall take necessary further action accordingly, after satisfying himself that the lessee fulfills all the required terms and conditions as stipulated in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
SPECIAL CHIEF SECRETARY TO GOVERNMENT(MINES)

To
The Director of Mines & Geology, Government of A.P., Ibrahimpatnam, NTR District.(w.e.file)
M/s. Andhra Cements Limited, D. No. 6-3-903/B/1, Somajiguda, Hyderabad, Telangana.
Copyto:
The Secretary to Govt. of India, Ministry of Mines, SastryBhavan, New Delhi - 110001.
The Controller General, Indian Bureau of Mines, Indira Bhavan, Civil Lines, Nagpur - 440001.
The Director General, Mines Safety, Dhanbad, Jarkand.
The Regional Controller of Mines, Koti, Hyderabad.
The OSD to Minister(M&G)
SF/SCs.

//FORWARDED BY ORDER//

SECTION OFFICER